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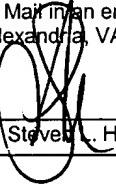
August 9, 2004

CERTIFICATE OF MAILING

37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 9, 2004
Date


Steven L. Highlander

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Serial No. 09/558,472 Entitled: "DIAGNOSIS AND TREATMENT OF MYOCARDIAL FAILURE" by Michael R. Bristow et al.
Our Ref. MYOG:004USD1

Enclosed for filing in the above-referenced patent application is:

1. Notice of Appeal From the Primary Examiner to the Board of Patent Appeals and Interferences;
2. A check for \$165.00 as the fee for the notice of appeal; and
3. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH.


Very truly yours,

Steven L. Highlander

SLH/cpj
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COMMISSIONER FOR PATENTS

August 9, 2004

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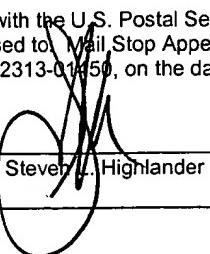
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August 9, 2004
Date


Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael BRISTOW et al.

Serial No.: 09/558,472

Filed: April 25, 2000

For: DIAGNOSIS AND TREATMENT OF
MYOCARDIAL FAILURE

Group Art Unit: 1632

Examiner: T.Ton

Atty. Dkt. No.: MYOG:004USD1/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-01450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed March 19, 2004, finally rejecting claim 23.

The fee for filing this Notice of Appeal is \$165.00 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an

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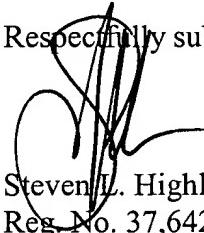
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overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:004USD1/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642

Attorney for Applicants

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Date: July 28, 2004